

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC. SECURITIES,
DERIVATIVE & "ERISA" LITIGATION

MDL No. 1658 (SRC)
Civil Action No. 05-1151 (SRC)(CLW)

THIS DOCUMENT RELATES TO: THE
CONSOLIDATED SECURITIES ACTION

Civil Action No. 05-2367 (SRC)(CLW)

**STIPULATION AND ORDER REGARDING THE
DEPOSITION OF THIRD PARTY DR. LOREN LAINE**

WHEREAS, on May 8, 2013, Plaintiffs served Dr. Loren Laine with two subpoenas seeking responsive documents and his deposition testimony; and

WHEREAS, the parties subsequently reached agreement concerning Plaintiffs' document subpoena, but, on June 13, 2013, Dr. Laine filed a motion to quash Lead Plaintiffs' subpoena seeking Dr. Laine's deposition, or in the alternative, seeking a protective order limiting the scope of the deposition; and

WHEREAS, Dr. Laine tentatively agreed to a date of August 5, 2013 for his deposition pending the resolution of his motion; and

WHEREAS, Lead Plaintiffs opposed Dr. Laine's motion on July 1, 2013; and

WHEREAS, on August 1, 2013, counsel for Lead Plaintiffs and counsel for Dr. Laine agreed to resolve Dr. Laine's pending motion to quash pursuant to the terms below,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Dr. Laine, through their undersigned counsel, as follows:

1. Plaintiffs will take the deposition of Dr. Loren Laine on August 5, 2013, in New Haven, Connecticut.
 2. Plaintiffs' interrogation of Dr. Laine at deposition is limited to fact issues.
-

3. Plaintiffs may not pose questions that solicit expert testimony, *e.g.*, questions seeking opinions from Dr. Laine on scientific or medical matters that may be at issue in the litigation. This applies, but is not limited to, Dr. Laine's knowledge regarding research, studies, and data relating to VIOXX.
4. Dr. Laine's pending motion to quash Lead Plaintiffs' subpoena is hereby resolved by this Stipulation and Order.

DATED: August 1, 2013

By: Paul H. Zoubek/kep

Paul H. Zoubek

**MONTGOMERY, MCKRACKEN
WALKER & RHOADS LLP**

Liberty View, Suite 600
457 Haddonfield Road
Cherry Hill, NJ 08002
Tel.: (856) 488-7700

**MONTGOMERY, MCKRACKEN
WALKER & RHOADS LLP**

Jeremy D. Mishkin
123 South Broad Street
Philadelphia, PA 19109
Tel.: (215) 772-1500

*Counsel for Third Party Dr. Loren
Laine*

By: /s/ James E. Cecchi

James E. Cecchi

**CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.**

5 Becker Farm Road
Roseland, NJ 07068
Tel.: (973) 994-1700

*Liaison Counsel for Lead Plaintiffs and
the Class*

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

Salvatore J. Graziano
David Wales
Adam Wierzbowski
Kristin Ann Meister
1285 Avenue of the Americas
New York, NY 10019
Tel.: (212) 554-1400

**BROWER PIVEN
A PROFESSIONAL CORPORATION**

David A.P. Brower
Richard H. Weiss
475 Park Avenue South, 33rd Floor
New York, NY 10016
Tel.: (212) 501-9000

MILBERG LLP

Matthew A. Kupillas
One Pennsylvania Plaza
New York, NY 10119
Tel.: (212) 594-5300

STULL, STULL & BRODY

Jules Brody
Mark Levine
6 East 45th Street
New York, NY 10017
Tel.: (212) 687-7230

Counsel for Lead Plaintiffs and the Class

SO ORDERED this 2 day of August, 2013

A handwritten signature in black ink, appearing to read "Cathy L. Waldor", written over a horizontal line.

CATHY L. WALDOR, U.S.M.J.